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**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

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JAN 26 1998

In The Matter of

Implementation of Section 309(i)
of the Communications Act
Competitive Bidding for Commercial
Broadcast and Instructional Television)
Fixed Service License

Reexamination of the Policy
Statement on Comparative
Broadcast Hearings

Proposals to Reform the Commission's
Comparative Hearing Process to
Expedite the Resolution of Cases

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY
MM Docket No. 97-234

GC Docket No. 92-52

GEN Docket No. 90-264

COMMENTS OF REYNOLDS TECHNICAL ASSOCIATES

Reynolds Technical Associates is an organization which practices before the Commission as technical consultants. Our clients expect us to provide them with technical assistance in making technical procedural decisions in respect to their broadcast business and performance. A major part of that assistance is advice in filing for new broadcast facilities. The Commission presently is presently considering a procedure which makes it impossible for broadcast consulting engineers and technical consultants to predict the value of FM allocations prior to the competitive bid process and the actual awarding of a grant.

In the Notice released by the Commission it was stated that only a short form without engineering would be required before the competitive bid and the awarding of the grant. According to the Notice, only the winner would be required to

file a complete engineering application. The Notice states that in regard to FM, only the reference coordinates will receive the required protection until the winning bidder files its engineering for its transmitter site.

This practice will not allow bidders to know the value of the allocation until its engineering is submitted and accepted by the Commission. From a business prospective, broadcast facilities are valued by the area which receives their service. The process proposed by the Commission overlooks the following; 1) reference coordinates can be short spaced by existing broadcasters on adjacent and co-channels to the point that a fully spaced window is eliminated, 2) With or without the spacing problem mentioned in No. 1, allocation reference coordinates are made at sites which often have extensive FAA problems and \$73.215 processing is required. Therefore, protecting the reference coordinates only could produce an allocation which is unusable due to hazards to air navigation (especially since the advent of EMI), 3) Applications are often prepared with alternative city grade showings (Tech Note 101/Longley-Rice). The possible closing off of a fully spaced window possibly eliminates this process due to spacing availability.

The concerns voiced above can demonstrated with an example. Channel 265C2 is allocated to Montgomery, Alabama, and an application window opened. The reference coordinates placed the allotment on the west side of Montgomery.

Supporting structures of any type cannot be approved in this area due to a military base at one point and the Commercial air terminal at another. Therefore, in order to be a fully functional class C2, a site on the east side of the community would have to be sought. For the sake of argument, an existing co-channel class C facility in Macon, Georgia, decides to relocate to an existing television structure west of that community. In order to locate at the television site, the Macon facility must convert to §73.215 spacing and short space the Montgomery channel 262C2 allotment to 237 kilometers, the maximum allowed. In addition, the Montgomery channel 262C2 allotment has a second adjacent class A channel to the south spaced the minimum fully spaced distance. Upon completion of the bidding process, the successful bidder discovers that the Macon facility cannot be short spaced since its short spacing created the §73.215 limit (this could be unknown to the bidder prior to the auction since the Macon facility could have filed the day before the bidding, given immediate cut off protection and not posted in the data base), that movement to the south is limited to 2 kilometers under §73.215 and that FAA restrictions, navigation and EMI, require a site 40 kilometers west of Montgomery. Since class C2 facilities provide city grade service only 32.6 kilometers, the prosperous Montgomery east side would be denied city grade service and therefore greatly devaluing the facility.

This is completely hypothetical but demonstrates the problems engineers and technical consultants have in establishing the monetary value of allotments without accepted and protected engineering on file at the commission. Detailed engineering studies can be conducted prior to the bid date, but it can be of no value on the bid date due to unknown filings by existing facilities.

Providing qualifying engineering can possibly delay the granting process some, but it is totally necessary for the parties doing the bidding to establish a value on the value of the FM broadcast property.

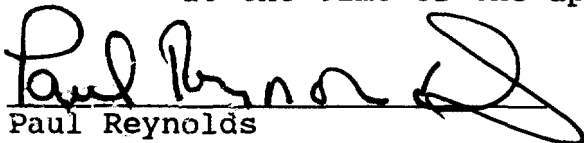
Finally, the Commission should take into consideration the granting of a petitioners or developers preference by allowing the party responsible for the allotment some weighting in the bidding process. Presently petitioners for the allotment of a new FM channel have no preference when the Commission decides between competing applications. Often petitioners expend large amounts of capital for an allocation only to loose it in a hearing. The petitioner should be allowed a minimum of 40% preference in the bidding process, and that preference should be retroactive to all pending applications.

ENGINEERING CERTIFICATION

STATE OF ALABAMA)
)
BUTLER COUNTY)

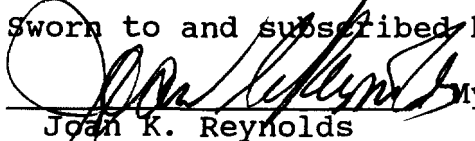
Paul Reynolds declares the following:

- * That he has completed undergraduate studies in the field of communications at the University of Southern Mississippi.
- * That he has completed course requirements for a Masters Degree in communications at the University of Alabama.
- * That he has completed basic electronics at DeVry Technical Institute.
- * That he has been operating as an independent communications consultant since 1980.
- * That he is familiar with the Commission's Rules and Regulations.
- * That the MM Docket 97-234, GC Docket 92-52, GEN Docket No. 90-264 COMMENTS & ENGINEERING INFORMATION was prepared by him or under his direct supervision.
- * That all information presented is believed to be true and correct and in full compliance of the technical standards contained in the Commission's Rules and Regulations in affect at the time of the applicant's filing date.


Paul Reynolds

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Sworn to and subscribed before, this 25 day of Jan, 1998.
 my commission expires 7-15-2008
Joan K. Reynolds